


October 6, 2009

**FAS INSTRUCTIONAL LETTER 2009-07**MEMORANDUM FOR ALL FAS ACQUISITION ACTIVITIES  
(QV DISTRIBUTION LIST)

FROM:

  
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SUBJECT: The Applicability of Taiwan as a new Trade Agreements Act (TAA) designated country to the Federal Supply Schedules (FSS) Program

1. Purpose. The purpose of this IL is to provide guidance on the applicability of Taiwan as a newly added designated country under the TAA to the FSS Program.
2. Background. This interim Federal Acquisition Regulation (FAR) rule adds Taiwan to the list of World Trade Organization Government Procurement Agreement countries in FAR 22.1503, 25.003, 52.222-19, 52.225-5, 52.225-11, and 52.225-23.
3. Effective Date. Date of signature.
4. Termination Date. This IL expires one year from the effective date unless cancelled, extended, or incorporated into a handbook.
5. Applicability. This IL applies to all U.S. General Services Administration/Federal Acquisition Service (FAS) and Department of Veteran Affairs (VA) acquisition activities awarding and administering FSS contracts.
6. Reference to Regulations. This IL references FAR Case 2009-014, New Designated Country--Taiwan, published on August 11, 2009 at Federal Register, Vol. 74, No 153, page 40461, which added Taiwan as a designated country and prescribes the inclusion of the amended FAR clause 52.225-5 Trade Agreements (prescription at FAR 25.1101(c)(1)) in all FSS solicitations and contracts. In addition, this IL supplements FAS Procurement Information Notice (PIN) 06-7, "Trade Agreement Act Reminders" and Procurement Information Bulletin (PIB) 05-5 "Trade Agreements" and the GSA Schedules Program FAR Part 25.
7. Instructions/Procedures.
  - A. Submittal of Offers and Modification Requests to Add Taiwanese Designated Products and/or Services.

Effective August 11, 2009, FSS contractors may submit offers and/or modification requests to their Schedule Contracting Officer (CO) to add Taiwanese products and/or

services to their FSS contract(s). Schedule COs may award FSS contracts and/or award modification requests for these items. When awarding a new FSS contract or a modification request to a current contract for Taiwanese items, and the solicitation has not been refreshed and/or modified to include FAR 52.225-5, Trade Agreements (AUG 2009), amend the offer/proposed modification prior to contract/modification award to include the latest version of this clause.

B. Inclusion of updated FAR clauses in the next solicitation refresh and subsequent modification:

Refresh all FSS solicitations and modify all FSS contracts at the time of the next scheduled refresh to incorporate the following updated required clauses:

- FAR 52.225-5, Trade Agreements (AUG 2009). This clause is incorporated by reference in FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (AUG 2009) (Alternate II - MAY 2009). In order for FAR clause 52.225-5 to be effective Contracting Officers must affirmatively check the applicable box in FAR 52.212-5. **NOTE: The basic clause and Alternate I do NOT apply to Schedule contracts.**
- FAR 52.222-19, Child Labor—Cooperation with Authorities and Remedies (AUG 2009). This clause is incorporated by reference in FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items (AUG 2009) (Alternate II - MAY 2009). In order for FAR clause 52.222-19 to be effective, Contracting Officers must affirmatively check the applicable box in 52.212-5. **NOTE: The basic clause and Alternate I do NOT apply to Schedule contracts.**